

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) AUSTIN KLVAN, and)
2) LORI KLVAN,)
Individually, and as husband and wife,)
Plaintiffs,)
v.) Case No. CIV-15-1231-R
3) LIBERTY MUTUAL GROUP, INC.,)
a foreign Insurance Company,)
Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Liberty Mutual Group, Inc. (“Defendant”) hereby removes the above-captioned action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of this removal, Defendant states as follows:

1. On October 5, 2015, Plaintiffs Austin and Lori Klavan ("Plaintiffs") commenced an action in the District Court of Oklahoma County, Oklahoma, entitled *Austin Klavan and Lori Klavan v. Liberty Mutual Group, Inc.*, as Case No. CJ-2015-5404 (the "State Court Action"). A true copy of the state court docket sheet is attached as Exhibit 1. All process, pleadings, and orders filed or served in the State Court Action are attached hereto as Exhibits 2 through 8.

2. According to the Petition, Plaintiffs are residents of Oklahoma. Defendant Liberty Mutual Group, Inc. is a company organized under the laws of the State of Massachusetts with its principal place of business in Boston, Massachusetts.

3. In accordance with 28 U.S.C. § 1446(b)(1), this action has been removed within thirty (30) days of the filing of Plaintiff's Petition on October 5, 2015.

6. The Western District of Oklahoma includes the state judicial district in which Plaintiffs filed their Petition.

7. This is a civil action over which this Court has original jurisdiction based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C § 1332, and which may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

8. The Petition asserts a cause of action for breach of an insurance contract, breach of good faith and fair dealing in the handling of a claim on an insurance policy, and loss of consortium. The amount in controversy for each cause of action exceeds \$75,000, exclusive of interest and costs. *See* Petition, attached hereto as Exhibit 3, at ¶ 11.

9. Contemporaneous with Defendant's filing of this Notice, Defendant will serve written notice to Plaintiffs' counsel of the filing, as required by 28 U.S.C. §1446(d).

10. Defendant Liberty Mutual Group, Inc. shall likewise file a true and correct copy of its Notice of Removal with the Clerk of the District Court in and for Oklahoma County, State of Oklahoma, as required by 28 U.S.C. §1446(d).

CONCLUSION

Defendant Liberty Mutual Group, Inc. respectfully requests that the State Court Action be removed from the District Court for Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma, and proceed as an action properly removed thereto.

Respectfully submitted,

/s/ Keith A. Wilkes

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**ATTORNEYS FOR DEFENDANT, LIBERTY
MUTUAL GROUP, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of November, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Gary C. Bachman
Stephen D. Bachman
Bryan G. Garrett

ATTORNEYS FOR PLAINTIFFS

/s/ Keith A. Wilkes
Keith A. Wilkes